

FIRST REGULAR SESSION

SENATE BILL NO. 159

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Pre-filed January 6, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0444S.011

AN ACT

To repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing livestock, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 570.030, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 570.030, to read as follows:

570.030. 1. A person commits the crime of stealing if he or she
2 appropriates property or services of another with the purpose to deprive him or
3 her thereof, either without his or her consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution
5 pursuant to this section on the issue of the requisite knowledge or belief of the
6 alleged stealer:

7 (1) That he or she failed or refused to pay for property or services of a
8 hotel, restaurant, inn or boardinghouse;

9 (2) That he or she gave in payment for property or services of a hotel,
10 restaurant, inn or boardinghouse a check or negotiable paper on which payment
11 was refused;

12 (3) That he or she left the hotel, restaurant, inn or boardinghouse with
13 the intent to not pay for property or services;

14 (4) That he or she surreptitiously removed or attempted to remove his or
15 her baggage from a hotel, inn or boardinghouse;

16 (5) That he or she, with intent to cheat or defraud a retailer, possesses,
17 uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales
18 receipt, price tag, or universal price code label, or possesses with intent to cheat
19 or defraud, the device that manufactures fraudulent receipts or universal price

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 code labels.

21 3. Notwithstanding any other provision of law, any offense in which the
22 value of property or services is an element is a class C felony if:

23 (1) The value of the property or services appropriated is five hundred
24 dollars or more but less than twenty-five thousand dollars; or

25 (2) The actor physically takes the property appropriated from the person
26 of the victim; or

27 (3) The property appropriated consists of:

28 (a) Any motor vehicle, watercraft or aircraft; or

29 (b) Any will or unrecorded deed affecting real property; or

30 (c) Any credit card or letter of credit; or

31 (d) Any firearms; or

32 (e) A United States national flag designed, intended and used for display
33 on buildings or stationary flagstaffs in the open; or

34 (f) Any original copy of an act, bill or resolution, introduced or acted upon
35 by the legislature of the state of Missouri; or

36 (g) Any pleading, notice, judgment or any other record or entry of any
37 court of this state, any other state or of the United States; or

38 (h) Any book of registration or list of voters required by chapter 115,
39 RSMo; or

40 (i) Any animal [of the species of horse, mule, ass, cattle, swine, sheep, or
41 goat] **considered livestock as that term is defined in section 144.010,**
42 **RSMo;** or

43 (j) Live fish raised for commercial sale with a value of seventy-five dollars;
44 or

45 (k) **Captive quail or pheasant; or**

46 (l) Any controlled substance as defined by section 195.010, RSMo; or

47 [(l)] (m) Anhydrous ammonia; or

48 [(m)] (n) Ammonium nitrate; or

49 [(n)] (o) Any document of historical significance which has fair market
50 value of five hundred dollars or more.

51 4. If an actor appropriates any material with a value less than five
52 hundred dollars in violation of this section with the intent to use such material
53 to manufacture, compound, produce, prepare, test or analyze amphetamine or
54 methamphetamine or any of their analogues, then such violation is a class C
55 felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any

56 attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class
57 B felony. The theft of any amount of anhydrous ammonia by appropriation of a
58 tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or
59 field applicator is a class A felony.

60 5. The theft of any item of property or services pursuant to subsection 3
61 of this section which exceeds five hundred dollars may be considered a separate
62 felony and may be charged in separate counts.

63 6. Any person with a prior conviction of [paragraph] **paragraphs (i) or**
64 **(k)** of subdivision (3) of subsection 3 of this section and who violates the
65 provisions of [paragraph] **paragraphs (i) or (k)** of subdivision (3) of subsection
66 3 of this section when the value of the animal or animals stolen exceeds three
67 thousand dollars is guilty of a class B felony. **Notwithstanding any provision**
68 **of law to the contrary, such person shall serve a minimum prison term**
69 **of not less than eighty percent of his or her sentence before he or she**
70 **is eligible for probation, parole, conditional release, or other early**
71 **release by the department of corrections.**

72 7. Any offense in which the value of property or services is an element is
73 a class B felony if the value of the property or services equals or exceeds
74 twenty-five thousand dollars.

75 8. Any violation of this section for which no other penalty is specified in
76 this section is a class A misdemeanor.

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